(*b*) if so, what decision, if any, have the Government come to in regard to the necessity of preserving the water chal in question;

(*c*) is it not a fact that the area of the chal is only about two cents and this chal enables water to be taken to a comparatively large area of paddy fields for mundakan cultivation ?

Mr. A. Madhava Prabhu *(Diwan Peishkar):*

(*a*) Yes.

(*b*) Government have not come to any decision yet.

(*c*) The extent of the chal which was alleged to have been blocked is about 2 cents. The chal enables water to be taken to a comparatively large area of paddy fields.

GOVERNMENT BILL

The Cochin Kuries Bill—*(cont.)*

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move for the third reading of the Cochin Kuries Bill and the final consideration of the same. I have tabled certain verbal and consequential amendments which for the smooth working of the Bill as amended at the second reading are necessary. My first amendment is as follows:

"In sub-clause (3) of clause 2 delete the words "under the terms of the Vaimpu". I request that the amendment may be accepted.

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I second it.

Mr. President: All these amendments are consequential drafting amendments, and they are drafted in accordance with the decisions already taken. There is nothing new.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, my second amendment is with regard to the penal provision. With regard to the penal provision, objection was taken by this House that the penal provision provided in the Bill is not drastic. The objection was upheld by this House and this amendment is to give effect to the opinion of the House. The amendment is to the following effect:

Substitute the following for sub-clause (3) of clause 12.—

(3) (i) Where any foreman contravenes the provisions of sub-section (1), he shall be liable to a fine not

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exceeding five hundred rupees and shall also be liable to a further fine of five hundred rupees for every day during which the default to furnish security continues.

(ii) Where any foreman contravenes the provisions of sub-section (2) and conducts a drawing after the period provided therein, he shall be liable to a fine not exceeding five hundred rupees and shall also be liable to a further fine of five hundred rupees for every day after the date of the said drawing during which the default to furnish the security continues."

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I second it.

Mr. A. B. Salem *(Mattancheri):* Sir, I think the provision made is too hard. Of course, there is no objection if you fine Rs. 500 if a foreman contravenes the provisions. But it is too hard if you were to insist that for any default to give security, he should again be liable to pay Rs. 500 for every day of default. It would have been enough if we fixed Rs. 10 or Rs. 15 for the first day, then Rs. 20 for the second day and so on.

Mr. President: We have fixed it because that is our intention. That is deliberately done.

Mr. A. B. Salem *(Mattancheri):* Whatever fine has been imposed upon him that should be continued for the following days of default also. I, therefore, request that a lenient view may be taken in the matter. It is possible for a default to occur, and if the default occurs for a few days, even then the fine imposed will be so big. As you said, if you have deliberately put it there, how can I change you? Is there any discretion vested in the authorities in the matter of imposing these fines?

Mr. M. Sivarama Menon *(Advocate-General):* There is one provision under which Government have taken powers to compound the offences under the Act. Even under the Companies Act Government have not got so much power. Each case can be considered on its merits and compounding sanctioned on appropriate terms; the idea is to make it impossible for foremen to conduct the drawing of a kuri without furnishing the security, etc.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, now that certain banking companies may be exempted from depositing kuri amounts in the treasury, a slight alteration in the wording of the

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clause 14 has become necessary. I, therefore, move the following amendment.—

For the second sentence in the proviso to sub-clause (1) of clause 14, the following shall be substituted.—

"In computing such present worth, the prized subscriber shall be given rebate of interest on the future subscriptions from the respective due dates till the termination of the kuri,

(a) where the foreman is a banking company exempted under section 66, at such rate as may be prescribed;

(b) where the foreman deposits the prize amount in banks specially notified by Government under sub-section (2) of section 14, at such rate as the foreman is entitled to realise on the deposits from the bank subject to a minimum of 1½ per cent per annum; and

(c) at 1½ per cent per annum in other cases."

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I second the amendment.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, my next amendment is to sub-clause (2) of clause 14.—

In the amended sub-clause (2) of clause 14—

(1) between the words "deposit" and "in" insert the words "in such banks as may be specially notified by Government in the Cochin Government Gazette in this behalf or"; and

(2) Substitute the following for the existing proviso.—

"Provided that Government may, by notification in the Cochin Government Gazette, direct that, in respect of specified local areas, any deposit that may have to be made in the Treasury shall be paid to the Regis rar notified for the purpose who shall remit the same in the Treasury."

This is purely a consequential amendment.

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I beg to second it.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General):* My next amendment is tabled for the purpose of regulating the rate of interest. The amendment is:

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Substitute the following for sub-clause (5) of clause 14.—

"(5) (i) The foreman shall be entitled to interest at 1½ per cent per annum on the daily balances of the deposits made by him in the Treasury or with the Registrar under this section.

(ii) Where deposits are made under sub-section (2), the subscriber shall be entitled to interest—

(a) in the case of deposits made in the Government Treasury or with the Registrar, at 1½ per cent per annum;

(b) in the case of deposits made with banks specially notified by Government under this section, at such rate as the foreman is entitled to realise from the banks on the deposits subject to a minimum of 1½ per cent per annum; and

(c) where the foreman is a banking company exempted under section 66, at such rate as may be prescribed.

(iii) Where the foreman fails to make the deposits under this section, the subscriber shall be entitled to interest at the rate, if any, provided for in the vaimpu, or at 1½ per cent per annum, whichever is higher."

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I beg to second the amendment.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General): In sub-clause (8) of clause 14 between the figures "(2)" and "(3)" insert the words "or conducts a drawing without making the deposits under sub-section".*

The above amendment is for the purpose of making the drawing of a kuri without making the deposits penal. I have also proposed another amendment to clause 14 which runs as follows:

"In sub-clause (8) of clause 14 omit all the words after 'continues'."

We also propose to introduce another new provision as clause 58.

Mr. President: You may move that also now.

Mr. M. Sivarama Menon *(Advocate-General):* That amendment is as follows:

Insert the following as a new clause after clause 58:

"59. Where the foreman is a company, society, or any institution, whether incorporated or not, every Managing Director,

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Secretary, Agent, Trustee or other principal officer, by whatever designation known, of such company, society or institution and every person conducting the kuri in other cases, who, knowingly and wilfully commits any default punishable under this Act shall also be liable to the penalties to which the foreman is subject to under the provisions of this Act."

There are certain kuri *vaimpus* where it is stated "*Devaswam kayyal*", "*Samajam kayyal*" and so on. When an offence is committed under this Act, and when the person who conducts the kuri is brought before a Magistrate's Court in the capacity of a trustee or the member of a governing body, he may say, that he is not the foreman in law, and that he is not liable to be prosecuted. We want to provide against such a contingency. Therefore a comprehensive provision is sought to be introduced. I request that all these amendments may be accepted by this House.

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I second the amendments.

Amendments put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that *in the second proviso to sub-clause (2) of clause 19, after the word "interest" the words "on the defaulted amount" may be added and the rest of the sentence beginning with the words "at the rate, etc." may be deleted.*

This is only to make the meaning of the clause clear and to bring it into conformity with the amendments to clause 63 already carried.

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I second it.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, my next amendment is only a consequential amendment which runs as follows.—*In sub-clause (ii) of clause 22 (2) between the words "for the purpose" and "in the manner" insert the words "or in banks specially notified by Government under sub-section (2) of section 14" and instead of the words "in section 14" substitute the word "therein".*

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I second it.

Amendment put and carried

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Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that *at the end of the first proviso to sub-clause (ii) of clause 22 (2) the following may be added.—*

"or, for payment of future subscriptions, withdraw at each instalment, without furnishing security, the amount necessary for the payment of the subscription in respect of that instalment".

This is to enable the foreman to withdraw from the *cheenthi-pokku* amount deposited in the Treasury or the bank for the payment of future subscriptions.

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I second the amendment.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, my next amendment is as follows.—*Substitute the following for the second proviso to sub-clause (ii) of clause 22 (2).—*

"Provided further that Government may, by notification in the Cochin Government Gazette, direct that in respect of specified local areas any deposit that may have to be made in the Treasury shall be paid to the Registrar notified for the purpose, who shall remit the same in the Treasury."

This is an amendment the principle of which has already been accepted by the House. This proviso is sought to be added to give facilities to foremen in such local areas where there are no treasuries to deposit the kuri collections, etc., with the Registrars. Therefore, there is nothing new in this amendment.

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I second the amendment.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that *for the existing sub-clause (iv) of clause 22 (2), the following shall be substituted.—*

"(iv) Where any foreman contravenes the provisions of clause (i) of this sub-section, he shall be liable to a fine not exceeding five hundred rupees, and shall also be liable to a further fine of five hundred rupees for every day during which the default continues".

Also substitute the following as sub-clause (v) of clause 22 (2).—

"(v) Where any foreman conducts a drawing, without making the deposit under clause (ii) or conducts a drawing after the period mentioned in clause (iii) without making the deposit or furnishing

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the security specified therein, he shall be liable to a fine not exceeding five hundred rupees and shall also be liable to a further fine of five hundred rupees for every day during which the defaults continue."

In sub-clause (ii) of clause 22 (3) delete the words "one thousand rupees" and substitute the following.—

"five hundred rupees, and shall also be liable to a further fine of five hundred rupees for every day during which the default continues."

These amendments are framed on the principle of the penal provisions for clause 12. The same provisions are sought to be introduced here also.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second the amendments.

Amendments put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, *for the second sentence in clause 23, substitute the following.—*

"In default of such payment, he shall, subject to the provisions contained in section 24, be liable to pay interest on the amounts due on account of the defaulted instalment or instalments."

The amendment is for the purpose of making the meaning of the clause clear and to bring it into line with the amendment to clause 63.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second it.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that *in sub-clause (2) of clause 24, between the words "for the purpose" and "in the name of" the following shall be inserted.—*

"or in banks specially notified by Government under sub-section (2) of section 14".

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I beg to second it.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that *the proviso to sub-clause (2) of clause 24 shall be substituted as follows.—*

"Provided that Government may, by notification in the Cochin Government Gazette, direct that, in respect of specified local areas,

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any deposit that may have to be made in the Treasury under this sub-section shall be paid to the Registrar notified for the purpose, who shall remit the same in the Treasury."

This is to enable the various Registrars in rural parts to receive collections from foreman and to deposit them in the treasuries.

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I second it.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that *in sub-clause (6) of clause 24, omit the figure "(3)" and insert between the figure "(4)" and the word "shall" the following.—*

" or conducts a drawing without making the deposit under sub-section (3)".

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I second it.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General): In sub-clause (6) of clause 24, omit all the words after " continues ".*

This is to take away the Managing Directors from the scope of this clause in view of the new clause 58 which has been introduced. Clause 58 takes in Managing Directors.

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I second it.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that *for sub-clause (7) of clause 31 the following shall be substituted.—*

"(7) Where the foreman is a Company, when the Company has been ordered to be wound up by the Court or has gone into voluntary liquidation."

In this case also the kuri must be deemed to have terminated.

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I beg to second the amendment.

Amendment put and carried

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Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move the following amendment to clause 36.—

Add the following as sub-clause (2) of clause 36 and re-number sub-clauses (2) to (4).—

"(2) If the foreman fails to furnish the security specified in sub-section (1) or sub-section (2) of section 12 or in clause (i) of sub-section (2) or clause (i) of sub-section (3) of section 22 or the additional security demanded under sub-section (3) of section 58, or if he fails to make the deposits mentioned in sub-section (3) or (4) of section 14 or if he fails to make the deposits or investments referred to in sub-section (3) of section 24."

In the contingencies provided for herein this clause will enable the subscribers to go before the court and say that the foreman is not complying with the provisions of this Act, that our interests are thereby jeopardised, and that therefore the kuri must be wound up. It is for the purpose of enabling the winding up of such kuries that this provision is introduced.

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I second it.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that *sub-clause (2) of clause 49 shall be omitted.*

This is only an amendment to leave the matter to be governed by the Limitation Act.

Mr. P. V. Raphael *(Joint Secretary to Government):* I beg to second it.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Insert the following as clause 63.—

"63. Where in a kuri subscriptions are payable in grain, the foreman shall be deemed to have complied with the provisions of this Act with respect to deposits, investments or furnishing of security, if he has deposited, invested or furnised security for the money value of the grain."

If there is no such provision, the foreman in making deposits will have to bring paddy.

I propose also that *the words "or money value thereof" wherever they occur in the Bill after clause 3 be deleted.*

Mr. P. V. Raphael *(Joint Secretary to Government):* I second the amendments.

Amendments put and carried

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Mr. M. Sivarama Menon *(Advocate General):* Sir, I beg to move that the Bill as amended may be taken up and finally passed.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second it.

Mr. V. J. Mathai *(Planters):* Sir, I feel impelled by a sense of duty to take a little of the time of the House to bring to the notice of the Government one or two important aspects of this matter. I opposed this Bill tooth and nail with all the force at my command, when it came here for introduction. I felt then that the Bill was an injurious one. I am glad that very many changes have been effected in the Bill which lighten the burden placed on the starters of kuries. I am glad that very many provisions have not been given retrospective effect. I was worried about the fate of those who have already entered the field of conducting kuries. Now since certain amendments have been effected the Bill does not seem to be so objectionable as before. My purpose now is only to bring to the notice of the Government the necessity for vigilantly watching the effect of this Act in its actual working. If, for any reason, the Act works prejudicially to the interests of the subscribers as well as the starters, then I would request the Government to be careful to step in and effect at the proper time the necessary amendments. In this connection, I may bring to the notice of this House the effect of section 22 as it remains. People started kuries under the impression that they need not have to furnish any security. Under that section security has now to be found. If the starters are unable to find out security for future instalments, kuries will collapse and in such cases the subscribers will suffer. I only bring this to the notice of the Government to ask them to be careful to see how the Act works when it comes into operation. If the original Bill came into force it would have been ruinous in its effect. The present Bill, though it may not ruin all the kuries, will make it impossible to conduct any more kuries. In my personal capacity I am conducting kuries to the tune of Rs. 24,000. I have collected and disbursed amounts up to Rs. 2 lakhs. In my capacity as the Managing Director of a company, I have conducted 12 or 13 kuries. With this experience, I believe, that in future after this Act comes into force, it will practically be impossible to conduct any kuri. I, therefore, urge upon the Government the need for careful watching of the working of this Bill which is becoming law.

*മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: സർ, കൊച്ചീരാജ്യത്തെ ജനങ്ങൾ വളരെ വിഷമത്തോടുകൂടി വീക്ഷിച്ചിരുന്ന ഒരു ബില്ലാണ് കുറി ബിൽ എന്നു പറയുമ്പോൾ

*Speech not corrected by the hon'ble member.

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അതിന്റെ വാദത്തിനു വലിയ സമാധാനമുണ്ടാകുമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. കുറി വളരെ പഴക്കമുള്ളതാണു്. അതു് നമ്മുടെ രാജ്യത്തുള്ള ആളുകളായിട്ടു തുടങ്ങീട്ടുള്ളതാണെന്നാണു് ഞാൻ വിശ്വസിക്കുന്നതു്. അങ്ങിനെയുള്ള സ്ഥാപനം ഒരു ബില്ലു മുഖേന തകൎന്നുപോകുമെന്നുള്ളതു് തീച്ചയായും നാട്ടുകാൎക്കു് വളരെ വ്യസനകരമായിട്ടുള്ളതാണെന്നാണു് ഞാൻ വിശ്വസിക്കുന്നതു്. ആദ്യം ഈ സഭ അവതരിപ്പിച്ച ബിൽ അങ്ങിനെതന്നെ പാസ്സാക്കുകയാണെങ്കിൽ തീച്ചയായിട്ടും ആ സ്ഥാപനം തകൎന്നുപോകുമെന്നുള്ളതിനു യാതൊരു സംശയവുമില്ല. കുറി നടത്തുന്ന ഒരു തലയാളനും കുറികൾ ശരിക്കു നടത്തിക്കൊണ്ടുപോകുവാൻ സാധിക്കയുമില്ല. എന്നാൽ ഈ ബില്ലിലെ പലേ വ്യവസ്ഥകളിലും ഏതാനും മാറ്റം വരുത്തീട്ടുള്ളതുകൊണ്ടു് ഇപ്പോൾ ന്യായമായ രീതിയിൽ നടത്തിക്കൊണ്ടുപോകുന്ന കുറി സ്ഥാപനങ്ങൾക്കു് ഒരു ആശ്വാസം കിട്ടീട്ടുണ്ടെന്നു പറയാതെ നിവൃത്തിയില്ല. മിസ്റ്റർ മത്തായി പറഞ്ഞതുപോലെ ഫോർത്ത് ഫാറത്തിന്റെ ഓപ്പറേഷനെ സംബന്ധിച്ചു് ഇപ്പോഴും അതു ഏതു നിലയിൽ ഇരിക്കുന്നുവെന്നു് തീച്ചയാക്കുവാൻ വളരെ വിഷമമാണു്. അപ്രൂവ്ഡ് സെക്യൂരിട്ടി മാത്രമേ സ്വീകരിക്കയുള്ളൂ എന്ന നിലയാണു് ഇപ്പോഴുള്ളതു്. ഗവൎമ്മെണ്ടിൽനിന്നു് ഇപ്പോൾ നല്കീട്ടുള്ള സമയം ആറു മാസമാണെങ്കിലും കുറി നടത്തുന്ന സ്ഥാപനങ്ങളിൽ ധാരാളം മുതൽ മറുവിധത്തിൽ ഉണ്ടെന്നു ബോദ്ധ്യപ്പെട്ടാൽ കൂടുതൽ സൌകൎയ്യം കൊടുക്കുവാൻ കൂടി വ്യവസ്ഥ ചെയ്തിട്ടുള്ളതുകൊണ്ടു് അതു വളരെ ആശ്വാസമായിട്ടുള്ളതാണെന്നു് എനിക്കു തോന്നുന്നുണ്ടു്. ഇതിനുമുമ്പും ഗവൎമ്മെണ്ടിൽനിന്നു് ഈ വക കാൎയ്യങ്ങളിൽ നല്ല മനഃസ്ഥിതിയോടുകൂടി പല സൌകൎയ്യങ്ങളും സൌജന്യങ്ങളും ചെയ്തതന്നിട്ടുള്ളതിൽ ഞങ്ങളും വളരെ നന്ദിയുള്ളവരാണു്. എന്നിരുന്നാലും ഈ ബില്ലിൽ ഇപ്പോഴത്തെ ചില വ്യവസ്ഥകൾ വളരെ കഷ്ടമാണെന്നു പറയാതെ നിവൃത്തിയില്ല. എന്നാൽ ഇങ്ങിനെയുള്ള ഒരു സംഘത്തിലെ ഫോർമാന്റെ നിലയിൽ എന്തുതന്നെ പറഞ്ഞാലും അതിനു് ഒരാനുകൂല്യം കിട്ടുകയില്ലെന്നു് എനിക്കു മുമ്പുതന്നെ അറിയാവുന്ന സംഗതിയാണു്. കുറി നടത്തുന്ന ഫോർമാൻ എത്ര മദ്ധ്യാദക്കാരനും ധനസ്ഥിതിയുള്ളവനുമായാലും അയാളുടെ വിഷമതകളെ വേണ്ടപോലെ മനസ്സിലാക്കുന്നതിനുള്ള ഒരു ദയാദൃഷ്ടിയുണ്ടായാൽ ഞങ്ങളുടെ അമൻഡുമെൻറിനു തീച്ചയായും യാതൊരു ആക്ഷേപവും പറയുവാൻ അവകാശമില്ല. സന്മനോഭാവം കാണിച്ചില്ലെങ്കിൽ തീച്ചയായും എല്ലാ കുറികളും പൊളിയുവാനേ തരമുള്ളൂ. അങ്ങിനെ ഈ സ്ഥാപനങ്ങളും പൊളിയുന്ന കാൎയ്യത്തിൽ ഗവൎമ്മെണ്ടു മാത്രമല്ല, ഈ സഭയിലെ അംഗങ്ങളും അനുകൂലിക്കയില്ലെന്നു് എനിക്കറിയാം. കുറിയെ സംബന്ധിച്ചു് രണ്ടഭിപ്രായത്തിനു് അവകാശമുണ്ടു്. കുറി ശരിയായും അല്ലാതെയും നടത്തുന്ന ആളുകളുണ്ടു്. കുറിയിൽ ചേരുന്നവരുടെ അനുഭവം പോലെയായിരിക്കും അവർ അഭിപ്രായം പറയുന്നതു്. ശരിയായി നടത്തുന്ന കുറിയിൽ ചേൎന്നിട്ടുള്ളവർ അതിൽ അവൎക്കുള്ള അനുഭവം പറയും. മറുവിധത്തിലുള്ള കുറിയിൽ ചേൎന്നിട്ടുള്ളവർ അവരുടെ അഭിപ്രായമേ പറയുകയുള്ളൂ. ഞാൻ എന്റെ അനുഭവം വെച്ചുകൊണ്ടാണു് ഇവിടെ പറയുന്നതു്. കുറി നടത്തുന്ന പല സ്ഥാപനങ്ങളും ഈ കൊച്ചീ രാജ്യത്തുണ്ടു്. ഏതു നിലയിലായാലും ഈ ബിൽ ഒടുവിൽ പാസാകുന്ന അവസരത്തിൽ ഇതിലെ വ്യവസ്ഥകൾമൂലം ന്യായമായിട്ടും മദ്ധ്യായിട്ടും കുറി നടത്തുന്ന ഫോർമാന്മാൎക്കു ദോഷം വരാത്ത നിലയിൽ ഉപയോഗിക്കണമെന്നു് പ്രത്യേകം ഒരു പേക്ഷയുണ്ടു്. ഈ സംഗതിയിൽ ഇത്രത്തോളം ആനുകൂല്യം ഗവൎമ്മെണ്ടിൽനിന്നും മറ്റു സാമാജികന്മാരിൽനിന്നും ഉണ്ടായിട്ടുള്ളതിൽ ഞാൻ അവരോടു പ്രത്യേകം നന്ദിപറഞ്ഞുകൊണ്ടു വിരമിക്കുന്നു.

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*മിസ്റ്റർ കെ. അയ്യപ്പൻ: സർ, ഈ ബില്ലിനെപ്പറ്റി പല ആശങ്കകൾ ഞങ്ങൾക്കുണ്ടായിരുന്നു. മിസ്റ്റർ ഇയ്യണ്ണി പറഞ്ഞതുപോലെയല്ല ഈ സഭ ഈ ബില്ലിനെപ്പറ്റി ആലോചിച്ചതു്. ഫോർമാന്മാരോടു് തോന്നാവുന്നതിൽ കൂടുതൽ അനുകമ്പ ഞങ്ങൾക്കുണ്ടായിരുന്നില്ലേ എന്നാണു് ഞാൻ സംശയിക്കുന്നതു് (ഹിയർ, ഹിയർ). ഇവിടത്തെ ഗവമ്മെണ്ടു് അഡ്വക്കേറ്റു് അവർകൾ കുറികളെ സംബന്ധിച്ചിടത്തോളം നല്ലപോലെ അറിവുള്ള ആളാണു്. ദിവാൻ പ്രസിഡണ്ടവർകളും ഇവിടത്തെ കുറികളെപ്പറ്റി ഇപ്പോൾ നല്ലപോലെ പഠിച്ചിട്ടുണ്ടെന്നാണു് ഞങ്ങൾക്കു മനസ്സിലായിരിക്കുന്നതു്. ആർക്കും ഭയപ്പെടുവാനിടയില്ലാത്ത ഒരു സംഗതി ദിവാൻ പ്രസിഡണ്ടു് അവർകളുടെ പ്രസംഗത്തിൽനിന്നും വെളിവായിട്ടുണ്ടു്. ഇവിടെയുള്ള ക്രെഡിറ്റിനു് അപകടം കൂടാതെയിരിക്കുവാൻ മറ്റാരേയുംകാൾ കൂടുതൽ ഉൽക്കണ്ഠ ഗവമ്മെണ്ടിനായതുകൊണ്ടു് ഈ കാര്യത്തിൽ വേണ്ട സൌകര്യങ്ങൾ ഗവമ്മെണ്ടു ചെയ്യുമെന്നുള്ള ഉറപ്പിന്മേൽ ഒരു കക്ഷിക്കാർക്കും ഭയപ്പെടുവാനവകാശമില്ല. ഇപ്പോൾ ബില്ലിന്റെ അവതരണത്തിൽ ഉണ്ടായിരുന്ന ആശങ്കകളെല്ലാം മാറി, ഫോർമാന്മാർക്കും സബ്സ്ക്രൈബേഴ്സിനും ഒന്നുപോലെ തൃപ്തികരമായ നിലയിൽ ഈ ബിൽ പാസാക്കപ്പെടുന്നുവെന്നാണു് ഇതിനെപ്പറ്റി ആകപ്പാടെ ഈ രാജ്യത്തു പൊതുവെയുള്ള അഭിപ്രായം. ഇങ്ങിനെ ഈ ബിൽ പാസാക്കിക്കൊടുക്കുവാൻ സാധിച്ചതിൽ ഗവമ്മെണ്ടിനെ പ്രത്യേകം അഭിനന്ദിക്കേണ്ടിയിരിക്കുന്നു. ഇങ്ങിനെയുള്ള വ്യവസ്ഥകളും ഫോർമാന്മാർക്കാണു് കൂടുതൽ ഉപകാരമായിട്ടുള്ളതു് എന്നു് പിന്നീടുള്ള അനുഭവംകൊണ്ടു മനസ്സിലാകും. മിസ്റ്റർ ഇയ്യണ്ണി പറയുന്നതുപോലെ നല്ല നിലയിൽ കുറി നടത്തുന്ന കൈക്കാരന്മാർക്കു വേണ്ടി മാത്രം നിയമമുണ്ടാക്കിയാൽ പോരാ. അങ്ങിനെയല്ലാത്തവർക്കും കുറി ശരിക്കു നടത്തുവാൻ തക്കവണ്ണം വ്യവസ്ഥ ഉണ്ടായിരിക്കണം. ആരും കുഴപ്പത്തിലാകാതിരിക്കുവാൻ സാധിക്കുന്ന ഒരു നിയമം ഇപ്പോൾ പാസായിട്ടുള്ളതുകൊണ്ടു് ഇതു് എല്ലാവർക്കും ഗുണകരമായിട്ടുണ്ടെന്നാണു് എനിക്കു തോന്നുന്നതു്. എന്നെ സംബന്ധിച്ചിടത്തോളം കുറിയെപ്പറ്റി നല്ല വിവരമില്ലാത്തതുകൊണ്ടു ആദ്യം ബിൽ പാസായാൽ ചില കുറികളെല്ലാം പൊളിഞ്ഞുപോകുമോ എന്നു ഭയമുണ്ടായിരുന്നു. ഇപ്പോൾ ആവക സംശയങ്ങളെല്ലാം തീർന്നു. വളരെ സന്തോഷത്തോടുകൂടിയാണു് ഇതു് ഈ നിയമസഭ പാസാക്കുന്നതെന്നാണു് ഞാൻ വിശ്വസിക്കുന്നതു്.

Mr. A. B. Salem *(Mattancheri):* Sir, we have gone through the third reading of the Bill and we have heard two advocates of the foremen giving their views and the difficulties that they may have to face. I am not going to make a speech except to say that as far as I have studied this Bill every provision is necessary. Some of the provisions, no doubt as the one I pointed out just now, namely with regard to the punishment of Rs. 500 for the continuing offence, are rather hard. Nevertheless, I do not know what all considerations Government have had to come to such an opinion. I have only to say that only the foreman who come under the category of a script—Hebrew saying—need be afraid. There is a Hebrew saying to the effect "*Kashê Lêashib Gazel Annêkal*". It is a sentence which is repeated in all the synagogues of the world on the day of atonement. It says, *it is a very difficult thing to disgorge a misappropriated*

* Speech not corrected by the hon'ble member.

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amount that has already been eaten up. That is the meaning of it. To such foremen who have eaten up the thing it is very very difficult to find the securities, or in other words, to disgorge what has already been eaten up. Such foreman will, no doubt, go out of existence. As regards the others, they will know that there is a very careful House to watch over those institutions. It will guard the economic development of the country and we have shown it here that we are prepared to pass the most stringent measure to keep the country honest in its economic and financial dealings. That is the effect of the Bill. This Bill will tell the people, you cannot play any longer in the Cochin State as you wish in this corner and that corner. There is a House that is watching you and there is a Government that is carefully awake and will bring Bills of this sort to correct all misdeeds. I, therefore, congratulate the Advocate-General for successfully piloting this Bill and in carrying the House along with him by the reasonable amendments that have been brought in this House, to meet the wishes of the foreman also as far as possible. With these few words, I give my hearty support to the third reading.

Mr. M. Sivarama Menon *(Advocate-General):* Mr. President, Sir, I must first thank you for the very lucid and clear explanations given from the Chair in the discussion of this Bill upon some of the intricate points covered by the wide range of amendments. While I sometimes felt staggered and helpless in the face of severe opposition, I found encouragement and self possession in the marvellous effect produced by your masterly analysis of the principles of this Bill. The House was able to appreciate the point of view of the Government as adumbrated in this Bill by the clear exposition made by you and it has been of considerable help to me as mover of the Bill as well as to the House on whom rested the voice of decision. Therefore, as a member in charge of this Bill, I thank you for the kind co-operation that has been extended to me in piloting this Bill.

I must say that after my nomination as an official member of this House the first Bill that I was in charge of was unfortunately the Insolvency (Amendment) Bill. And it was the first occasion when I had to assume charge of a Bill in my experience and there was no occasion then to go through the fire of severe criticism. As a non-official I could easily afford to come and go and speak as I pleased, but this Bill consumed a good lot of my energy and time and made me realise the responsibilities of an official member. In spite of my short comings, I feel elated that one who was sitting with you just more than a year back had the opportunity to pilot this Bill before you in the face of strong opposition by your full-hearted

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co-operation for which I am grateful. You have succeeded in converting what was proclaimed to be a harsh measure into a very reasonable piece of legislation in accordance even with the opinion of the pronounced antogonists of the Bill. We have done our best and what remains? I am reminded of a passage in Russel's Book on 'Legislative Drafting and Forms.' Our work and responsibility are not over by passing this measure. We have to face the public with large powers of criticism and the courts of law which have to interpret the meaning of the sections. Russel says.—"What is commonly called the technical part of legislation is incomparably more difficult than what may be called the ethical. In other words, it is far easier to concieve justly what would be a useful law than so to construct that same law that it may accomplish the design of the law giver". Without any disparagement I have only to convey to this House the feeling in my mind that we ourselves might most probably have been guilty of several short-comings in this legislation. Find consolation again from the words of Russel:— "It may be well to warn the draftsman that in his case, virtue will for the most part be its own reward and that after all, the pains that have been bestowed on the preparation of the Bill, every Lycurgus and Solon sitting on the back benches will denounce it as a crude and undigested measure, a monument of ignorance and stupidity. Moreover, when the Bill has become law it will have to run the gauntlet of the judicial bench whose ermined dignitaries delight in pointing out the short comings of the legislature in approving such an imperfect performance". But I find a more and effective consolation from another passage which is found in Volume I of Oppenheim's International Law. There it is stated.—"Interpretation on the part of good judges can deal with many a fault that codification has brought about. If the worst comes to the worst there is always a parliament or other law-giving authority of the land to mend by further legislation the faults of previous codification".

I am perfectly confident that we have very good judges who will interpret the law in accordance with the plain intentions of the legislature so far as the language adopted by us warrants it. I have yet again got the last refuge in this House which can change this law, if it happens that our intentions have not been correctly expressed in the terms of the clauses that we have embodied in this Bill. I fully trust and believe that the power of this House will, if necessary, be invoked to get over any difficulties that may arise in the course of the working of the Bill. In the rule-making powers conferred by the Bill on the Government, there is one clause empowering the Government to frame any set of rules to remove difficulties that arise in the course of the working of this Act. That power will certainly be utilised in

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consultation with the experienced officers of the Department. The Joint Secretary to Government is a person who, in his capacity as the Superintendent of Registration, has got a good deal of experience with regard to kuries and the present Superintendent of Registration who will be in charge of the administration of the new Bill will be with his legal experience and acumen, of immense help in the practical working of the Act. The House can rest assured that the intention of the Government is to see that the Bill is worked smoothly by which the prosperity of the foreman and the contentment of the subscriber are both guaranteed. And there is no doubt that the Government wish only to safeguard the interests of both the foreman and the subscribers in this measure. I once again thank you for the kind co-operation extended to me and I move that the House may be pleased to pass this Bill.

മിസ്റ്റർ സി. വി. ഇയ്യു: സർ, ഞാൻ ഈ സഭയുടെ സമയം അധികം എടുക്കണമെന്നു് വിചാരിക്കുന്നില്ല. ഞാൻ ഒരു കുറി കൈക്കാരനുമല്ല; കുറിയിൽ ചേർന്നിട്ടുമില്ല. ഇതു് രണ്ടിനുമുള്ള ഭാഗ്യം എനിക്കുണ്ടായിട്ടില്ല. ആദ്യമായിട്ടു് ഈ കുറി നിയമം നടപ്പിൽ വരുത്തിയപ്പോൾ നമ്മുടെ രാജ്യത്തുള്ളവർ ബ്രിട്ടീഷിലുള്ള ചാലിശ്ശേരി വില്ലേജിൽ പോയി കുറി നടത്തിയിരുന്നു. കുറി നിയമത്തിൽനിന്നു രക്ഷ പ്രാപിക്കാനുള്ള ഒരു പരിശ്രമമായിരുന്നു അതു്. എന്നാൽ കാലാന്തരത്തിൽ ടി കുറികൾ നിന്നുപോകയാണു് ചെയ്തതു്. കൊച്ചിരാജ്യത്തു നടപ്പാക്കിയ കുറി നിയമം പുറമെയുള്ള ആളുകൾക്കു് ഇവിടെയുള്ള കുറികളിൽ ചേരുവാൻ വിശ്വാസം വരുത്തിച്ചിട്ടുള്ളതുകൊണ്ടുതന്നെയായിരുന്നു. കുറിനിയമത്തിന്റെ വ്യാപ്തി എത്രത്തോളമുണ്ടെങ്കിലും കൊച്ചീരാജ്യത്തുള്ള കുറികളെപ്പറ്റി പുറമെയുള്ളവർക്കു നിശ്ചയമായും വളരെ വിശ്വാസം ഉണ്ടായിട്ടുണ്ടു്. തിരുവിതാംകൂറിൽ ചിട്ടി നിയമമുണ്ടു്. എന്നാൽ അടുത്ത പത്തു പതിനഞ്ചു കൊല്ലത്തെ അനുഭവംകൊണ്ടു് തിരുവിതാംകൂർകാർതന്നെ അവിടത്തെ ചിട്ടിയിൽ ചേരാതെ തൃശ്ശിവപേരൂരിലുള്ള കുറിയിൽ പണം നിക്ഷേപിക്കുന്നുണ്ടു്. ഇവിടത്തെ കുറി നടത്തിപ്പും നിയമവും നല്ലതാണെന്ന ബോദ്ധ്യംകൊണ്ടായിരിക്കാം അങ്ങിനെ ചെയ്യുന്നതു്.

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* We have copied it from the Travancore legislation.

Mr. C. V. Iyyu *(Kunnamkulam):* That may be, but we have drafted a better piece of legislation. കുറിയെന്നുള്ള സ്ഥാപനം നല്ലനിലയിൽ നടക്കണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടി ഇവിടത്തെ ഗവമ്മെണ്ടും നിയമസഭയും പ്രവൃത്തിക്കുന്നുണ്ടെന്നു് എവിടെയും പൊതുവെ ധാരണയുണ്ടു്. അതുകൊണ്ടാണു് ഇവിടെ കുറി അഭിവൃദ്ധിപ്പെടുവാൻ കാരണമായിട്ടുള്ളതു്. ഈ നിയമംകൊണ്ടു് വല്ല ദോഷവുമുണ്ടെങ്കിൽ അതു് എന്റെ സ്നേഹിതൻ മിസ്റ്റർ മത്തായി പറഞ്ഞതുപോലെ തക്കസമയത്തു് ഗവമ്മെണ്ടു് വേണ്ട ഭേദഗതി അവതരിപ്പിച്ചു് ശരിപ്പെടുത്തുമെന്നാണു് ഞാൻ വിശ്വസിക്കുന്നതു്.

Mr. M. K. Devassy *(Adur):* Sir, at this last stage of the passing of the Bill, I wish to speak a few words. It is indeed a matter for satisfaction both to the Government and this House that

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though this Bill was a very controversial measure, it has seen the last stage. As a member of the Committee I have the satisfaction that though the recommendations of the Committee were subject to criticism and decision by both the Select Committee and this House, many of those recommendations as such have been accepted by this House. But I wish to say that it is quite possible that in a legislation of this sort the legislators cannot correctly anticipate what the result would be. The attempt of the Government has been to rectify some short-comings in the existing working of the kuries and in professing the method of correcting it if the future were to prove that the Government has gone wrong, it will be the duty of the Government and this House to make further amendments to this legislation if necessary. I agree with the sentiments expressed by the hon'ble members in this House in this matter.

The motion that the Bill be taken up and finally passed put and carried.

Mr. President: The House will now take up non-official business. The Secretary to Government will continue his speech.

NON-OFFICIAL BILLS

The Cochin Tenancy Act (Amendment) Bill No. 1—*(cont.)*

Mr. K. Achyuta Menon *(Secretary to Government):* Sir, yesterday I was explaining the position of Government with regard to this Bill and I had not finished my speech. I think it may be necessary for further discussion that I should give a short resume of my arguments yesterday. I pointed out that the very term "renewal fees" connotes that the fees were payable to the landlord on renewal, and that, as the law now stands, the landlord is entitled to get the renewal fees, which stands for his remuneration for not exercising the right of eviction. The short object of this Bill is to make that amount payable to the *jenmi* in a lump for not exercising his right of eviction or for allowing the tenant to remain in possession for another period of 12 years, payable in equated annual instalments. The period of renewal is 12 years. The operative portion of the Bill, therefore, gives the tenant the concession or the right to pay the renewal fees which ought to have been paid by him in lump in 12 instalments. I said it involves a double cut as was brought before the House. It worked a double disadvantage so far as landlords are concerned. In the first place, I pointed out you are restricting his liberty to receive the amount in lump and compelling him to receive this

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